



## OHMVR COMMISSION MEETING Pismo Beach, CA

December 12, 2014

**STAFF REPORT:** Legislative Update

**STAFF:** Tina L. Williams, Superintendent of Public Relations and Communications

**SUBJECT:** 2013 - 2014 Legislation Session Summary Report

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### Summary

This report provides summary of the 2013 - 2014 California and U.S. Government legislative activity that had potential for significant impact on the California Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of November 14, 2014. Changes in status of some bills may occur between the date this report was prepared and the Commission meeting date.

### Discussion

#### 2013-2014 CALIFORNIA LEGISLATION OHMVR SUMMARY REPORT

##### **Assembly Bill 1835 (Olsen): Helmet Exemption Recreational Off-Highway Vehicles**

**Summary:** Clarifies that a driver and/or passenger(s) operating a recreational off-highway vehicle (ROHV) on “*public lands*” must wear a safety helmet.

**Status:** 09/16/2014 – Signed by the Governor. Chapter 355, Statutes of 2014

##### **Senate Bill 234 (Walters): Recreational Off-Highway Vehicles**

**Summary:** This bill would allow aftermarket seats in off-highway vehicles, model year 2013 or prior. Tens of thousands of these vehicles were purchased and modified by the owners, adding two additional seats to create a four-passenger vehicle.

However, with the passing of AB 1595 (Cook), Chapter 165, Statutes of 2012, this made aftermarket seats illegal. This bill grandfathers in recreational off-highway vehicles with aftermarket seats, manufactured in 2013 or earlier, as long as the seats are fully contained inside the vehicle and covered by rollover protection. This bill defines the statutory requirement for occupant handholds for operators and passengers in Recreational Off-highway Vehicles. Although this was an element of AB 1595, that

legislation did not define “handholds”. The lack of definition for handholds created an enforcement problem which is eliminated by this bill.

**Status:** 8/27/13 – Signed by the Governor. Chapter 179, Statutes of 2013

**Senate Bill 334 (Fuller)**

**Recreational Off-highway Vehicles**

**Summary:** This bill would postpone implementation prohibiting aftermarket passenger seating in recreational off-highway vehicles until January 1, 2015.

**Status:** Failed policy committee deadline.

**Senate Bill 853 (Committee on Budget and Fiscal Review): Fuel Tax Study**

**Summary:** This bill requires the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, to conduct a study, during the 2014/15 Fiscal Year, to determine the appropriate adjustment to the percentage of funds transferred from the Motor Vehicle Fuel Account to the to the Off-Highway Vehicle Trust Fund. Under existing statute, this assessment is required every five years. This study is due to the Legislature by January 1, 2016.

**Status:** 6/24/2014 – Signed by the Governor. Chapter 27, Statutes of 2014

**Senate Bill 1289 (Fuller): Off-Highway Motor Vehicle Recreation Land Transfer**

**Summary:** Notwithstanding any other law, the State Lands Commission may transfer to the Division of Off-Highway Motor Vehicle Recreation certain parcels of land owned by the state that are adjacent to the Johnson Valley Off-Highway Vehicle Recreation Area off-highway motor vehicle recreation.

**Status:** Failed policy committee deadline.

**Senate Bill 1450 (Fuller): Off-Highway Motor Vehicle Recreation**

**Summary:** The Off-Highway Motor Vehicle Recreation Act of 2003 provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails, and makes various legislative findings and declarations regarding the benefits of off-highway motor vehicle recreation, and the need to effectively protect and efficiently manage off-highway motor vehicle recreation areas. This bill would make no substantive changes in those legislative findings and declarations.

**Status:** Failed policy committee deadline.

## **FEDERAL LEGISLATION UPDATE**

### **U S Congress House of Representatives 1776 (Rep Farr) Clear Creek National Recreation Area and Conservation Act**

**Summary:** Clear Creek National Recreation Area and Conservation Act - Establishes the Clear Creek National Recreation Area in California to promote environmentally responsible high-quality motorized and non-motorized trail based recreation, including off-highway vehicle use, scenic touring, and access for hunting and gem collecting, while protecting landscape resources.

**Status:** Active – Latest Major Action: Subcommittee Hearings held on 5/20/14.

### **U S Congress House of Representatives 4886 (Lummis) National Forest System Trails Stewardship Act of 2014**

**Summary:** This bill would direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers, partners and outdoor recreation stakeholders in National Forest System trail maintenance, and for other purposes.

The bill would increase the opportunities for off-highway motor vehicle recreation related volunteers and projects. The goal would be to improve the “National Forest System Trails Volunteer and Partnership” strategies. If passed the Secretary of Agriculture would select priorities for trail maintenance. Motorized recreation is one of the types of recreational trail maintenance listed. There is serious backlog of federal trail maintenance resulting in trail closures listed as an impediment for increasing recreation trails and will be addressed in the Priority Trail Maintenance Program if this legislation is passed.

**Status:** Active – Latest Major Action: Referred to House Subcommittee on Conservation, Energy, and Forestry on 7/7/2014.

## **Commission Action**

For information only

## **Attachments**

HR 1776

HR 4886

2013-2014 Legislative Session Report

113TH CONGRESS  
1ST SESSION

# H. R. 1776

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the national wild and scenic rivers system, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. FARR (for himself, Mr. VALADAO, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on Natural Resources

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## A BILL

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the national wild and scenic rivers system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear Creek National  
5 Recreation Area and Conservation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1           (1) MANAGEMENT PLAN.—The term “manage-  
2           ment plan” means the Plan for the Recreation Area  
3           prepared under section 4(c).

4           (2) RECREATION AREA.—The term “Recreation  
5           Area” means the Clear Creek National Recreation  
6           Area.

7           (3) SECRETARY.—The term “Secretary” means  
8           the Secretary of the Interior.

9           (4) STATE.—The term “State” means the State  
10          of California.

11 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**  
12 **RECREATION AREA.**

13          (a) IN GENERAL.—To promote environmentally re-  
14 sponsible high-quality motorized and non-motorized trail  
15 based recreation, including off-highway vehicle use, scenic  
16 touring, access for hunting and gem collecting, while pro-  
17 tecting ecological, geological, scenic, cultural, and historic  
18 resources, fish and wildlife values, and other resources of  
19 the landscape, there is established the Clear Creek Na-  
20 tional Recreation Area in the State, to be managed by the  
21 Secretary.

22          (b) BOUNDARIES.—The Recreation Area shall consist  
23 of approximately 75,000 acres of Federal land in San Be-  
24 nito County and Fresno County, California, as generally

1 depicted on the map entitled “Clear Creek National Recre-  
2 ation Area” and dated July 30, 2012.

3 (c) MAP.—

4 (1) IN GENERAL.—As soon as practicable, after  
5 the date of the enactment of this Act, the Secretary  
6 shall submit a map and legal description of the  
7 Recreation Area to—

8 (A) the Committee on Natural Resources  
9 of the House of Representatives; and

10 (B) the Committee on Energy and Natural  
11 Resources of the Senate.

12 (2) AVAILABILITY.—Copies of the map sub-  
13 mitted under paragraph (1) shall be on file and  
14 available for public inspection in—

15 (A) the Office of the Director of the Bu-  
16 reau of Land Management; and

17 (B) the appropriate office of the Bureau of  
18 Land Management in California.

19 **SEC. 4. MANAGEMENT.**

20 (a) IN GENERAL.—The Secretary shall manage the  
21 Recreation Area to further the purposes described in sec-  
22 tion 3(a), in accordance with—

23 (1) this Act;

24 (2) the Federal Land Policy and Management  
25 Act of 1976 (43 U.S.C. 1701 et seq.); and

1           (3) any other applicable law.

2           (b) USES.—The Secretary shall—

3           (1) allow hiking, camping, hunting, gem col-  
4           lecting, and sightseeing and the use of motorized ve-  
5           hicles, mountain bikes, and horses on designated  
6           roads, trails, and areas;

7           (2) issue special recreation permits for motor-  
8           ized and non-motorized events; and

9           (3) reopen the Clear Creek Management Area  
10          to the uses described in this subsection as soon as  
11          practicable following the enactment of this Act and  
12          in accordance with the management guidelines out-  
13          lined in this Act and other applicable law.

14          (c) INTERIM MANAGEMENT PLAN.—The Secretary  
15          shall use the 2005 Clear Creek Management Area Travel  
16          Management Plan as modified by this Act, or by the Sec-  
17          retary to incorporate natural resource protection informa-  
18          tion not available in 2005, as the basis of an interim man-  
19          agement plan to govern motorized recreation within the  
20          Recreation Area pending the completion of the long-term  
21          management plan required in subsection (d).

22          (d) PERMANENT MANAGEMENT PLAN.—Not later  
23          than 2 years after the date of the enactment of this Act,  
24          the Secretary shall create a comprehensive management  
25          plan for the Clear Creek Recreation Area that—

1           (1) shall describe the appropriate uses and  
2           management of the Recreation Area in accordance  
3           with this Act;

4           (2) shall be prepared in consultation with—

5                   (A) appropriate Federal, State, and local  
6                   agencies (including San Benito, Monterey, and  
7                   Fresno Counties);

8                   (B) adjacent land owners; and

9                   (C) other stakeholders (including conserva-  
10                  tion and recreational organizations);

11           (3) shall include a hazards education program  
12           to inform people entering the Recreation Area of the  
13           asbestos related risks associated with various activi-  
14           ties within the Recreation Area, including, but not  
15           limited to, off-highway vehicle recreation;

16           (4) shall include a user fee program for motor-  
17           ized vehicle use within the Recreational Area and  
18           guidelines for the use of the funds collected for the  
19           management and improvement of the Recreation  
20           Area;

21           (5) may incorporate any appropriate decisions,  
22           as determined by the Secretary, in accordance with  
23           this Act, that are contained in any management or  
24           activity plan for the area completed before the date  
25           of the enactment of this Act;

1           (6) may incorporate appropriate wildlife habitat  
2           management plans or other plans prepared for the  
3           land within or adjacent to the Recreation Area be-  
4           fore the date of the enactment of this Act, in accord-  
5           ance with this Act;

6           (7) may use information developed under any  
7           studies of land within or adjacent to the Recreation  
8           Area carried out before the date of enactment of this  
9           Act; and

10          (8) may include cooperative agreements with  
11          State or local government agencies to manage all or  
12          a portion of the recreational activities within the  
13          Recreation Area in accordance with an approved  
14          management plan and the requirements of this Act.

15          (e) ACQUISITION OF PROPERTY.—

16          (1) IN GENERAL.—The Secretary may acquire  
17          land adjacent to the National Recreation Area by  
18          purchase from willing sellers, donation, or exchange.

19          (2) MANAGEMENT.—Any land acquired under  
20          paragraph (1) shall be managed in accordance  
21          with—

22                  (A) the Federal Land Policy and Manage-  
23                  ment Act of 1976 (43 U.S.C. 1701 et seq.);

24                  (B) this Act; and

1 (C) any other applicable law (including  
2 regulations).

3 (3) IMPROVED ACCESS.—The Secretary may ac-  
4 quire by purchase from willing sellers, donation, ex-  
5 change, or easement, land, or interest in land to im-  
6 prove public safety in providing access to the Recre-  
7 ation Area.

8 (f) PRIVATE PROPERTY.—

9 (1) ACCESS TO PRIVATE PROPERTY.—

10 (A) IN GENERAL.—The Secretary shall  
11 provide landowners adequate access to in-  
12 holdings within the Recreation Area.

13 (B) INHOLDINGS.—For access purposes,  
14 private land adjacent to the Recreation Area to  
15 which there is no other practicable access ex-  
16 cept through the Recreation Area shall be man-  
17 aged as an inholding.

18 (2) USE OF PRIVATE PROPERTY.—Nothing in  
19 this Act affects the ownership, management, or  
20 other rights relating to any non-Federal land (in-  
21 cluding any interest in any non-Federal land).

22 (3) BUFFER ZONES.—Nothing in this Act cre-  
23 ates a protective perimeter or buffer zone around the  
24 Recreation Area.

1           (4) VALID RIGHTS.—Nothing in this Act affects  
2           any easements, rights-of-way, and other valid rights  
3           in existence on the date of the enactment of this  
4           Act.

5           (g) WATER RIGHT EXCLUSION.—Nothing in this  
6           Act—

7           (1) shall constitute or be construed to con-  
8           stitute either an express or implied reservation by  
9           the United States of any water or water rights with  
10          respect to the Recreation Area; or

11          (2) shall affect any water rights existing on the  
12          date of the enactment of this Act.

13          (h) HUNTING AND FISHING.—Nothing in this Act—

14          (1) limits hunting or fishing; or

15          (2) affects the authority, jurisdiction, or respon-  
16          sibility of the State to manage, control, or regulate  
17          fish and resident wildlife under State law (including  
18          regulations), including the regulation of hunting or  
19          fishing on public land managed by the Bureau of  
20          Land Management.

21          (i) MOTORIZED VEHICLES.—Except in cases in which  
22          motorized vehicles are needed for administrative purposes  
23          or to respond to an emergency, the use of motorized vehi-  
24          cles on public land in the Recreation Area shall be per-

mitted only on roads, trails, and areas designated by the management plan for the use by motorized vehicles.

(j) GRAZING.—In the Recreation Area, the grazing of livestock in areas in which grazing is allowed as of the date of the enactment of this Act shall be allowed to continue, consistent with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any regulations promulgated by the Secretary, acting through the Director of the Bureau of Land Management.

(k) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(l) FEES.—Amounts received by the Secretary under the fee structure required by subsection (c)(3)(G) shall be—

1           (1) deposited in a special account in the Treas-  
2       ury of the United States; and

3           (2) made available until expended, without fur-  
4       ther appropriation, to the Secretary for use in the  
5       Recreation Area.

6       (m) RISK STANDARD.—The National Oil and Haz-  
7       ardous Substances Pollution Contingency Plan (40 C.F.R.  
8       300), published pursuant to section 105 of the Com-  
9       prehensive Environmental Response, Compensation, and  
10      Liability Act of 1980 (42 U.S.C. 9605), shall not apply  
11      to the Secretary’s management of asbestos exposure risks  
12      faced by the public when recreating within the Clear Creek  
13      Recreation Area described in section 3(b).

14   **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

15       In accordance with the Wilderness Act (16 U.S.C.  
16      1131 et seq.), the approximately 21,000 acres of Federal  
17      lands located in Fresno County and San Benito County,  
18      California, and generally depicted on a map entitled “Pro-  
19      posed Joaquin Rocks Wilderness” and dated April 16,  
20      2013, is designated as wilderness and as a component of  
21      the National Wilderness Preservation System and shall be  
22      known as the “Joaquin Rocks Wilderness”.

1 **SEC. 6. CLEAR CREEK MANAGEMENT AREA WILD AND SCE-**  
2 **NIC RIVERS.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16  
4 U.S.C. 1274(a)) is amended by adding at the end the fol-  
5 lowing paragraphs:

6 “(\_\_\_\_) LARIOUS CANYON.—The approximately  
7 5.25 miles of Larious Canyon Creek from its source  
8 near Idria Peak in Section 6, R12E, T18S, to the  
9 boundary of the Clear Creek Special Recreation  
10 Management Area in Section 23, R11E, T17S.

11 “(\_\_\_\_) SAN CARLOS CREEK.—The approxi-  
12 mately 5.51 miles of the East Fork San Carlos  
13 Creek from its source near San Benito Mountain in  
14 Section 10, R12E, T18S, to the boundary of the  
15 Clear Creek Special Recreation Management Area in  
16 Section 22, R12E, T17S.

17 “(\_\_\_\_) CANTUA CREEK.—The approximately  
18 7.68 miles of Cantua Creek from its source north of  
19 Santa Rita Peak in Section 24, R12E, T18S, to the  
20 public land boundary in Section 3, R13E, T18S.

21 “(\_\_\_\_) PICACHO CREEK.—The approximately  
22 2.65 miles of Picacho Creek, from its source spring  
23 in Section 20, R12E, T18S, to its confluence with  
24 the San Benito River.

25 “(\_\_\_\_) WHITE CREEK AND TRIBUTARIES.—

1           “(A) The approximately 5.37 miles of  
2           White Creek, from its source in Section 36,  
3           R12E, T18S, to the boundary of the Clear  
4           Creek Special Recreation Management Area in  
5           Section 17, R13E, T19S.

6           “(B) The approximately 2.29 miles of the  
7           unnamed tributary of White Creek from its  
8           source just south of Spanish Lake in Section  
9           29, R13E, T18S, to its confluence with White  
10          Creek.

11          “(C) The approximately 2.45 miles of the  
12          unnamed tributary of White Creek from its  
13          source in Section 33, R13E, T18S, to its con-  
14          fluence with White Creek.”.

○

113TH CONGRESS  
2D SESSION

# H. R. 4886

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2014

Mrs. LUMMIS (for herself and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Forest Sys-  
5 tem Trails Stewardship Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1           (1) The National Forest System features a  
2       world-class trail system with over 158,000 miles of  
3       trails that provide world-class opportunities for hik-  
4       ing, horseback riding, hunting, mountain bicycling,  
5       motorized vehicles, and other outdoor activities.

6           (2) According to the Government Accountability  
7       Office, the Forest Service is only able to maintain  
8       about one-quarter of National Forest System trails  
9       to the agency standard, and the agency faces a trail  
10      maintenance backlog of \$314,000,000, and an addi-  
11      tional backlog of \$210,000,000 in annual mainte-  
12      nance, capital improvements, and operations.

13          (3) The lack of maintenance on National Forest  
14      System trails threatens access to public lands, and  
15      may cause increased environmental damage, threat-  
16      en public safety, and increase future maintenance  
17      costs.

18          (4) Federal budget limitations require solutions  
19      to National Forest System trail maintenance issues  
20      that make more efficient use of existing resources.

21          (5) Volunteers, partners, and outfitters and  
22      guides play an important role in maintaining Na-  
23      tional Forest System trails, and a comprehensive  
24      strategy is needed to ensure that volunteers and  
25      partners are used as effectively as possible.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATIVE UNIT.—The term “Ad-  
4 ministrative Unit” means a national forest or na-  
5 tional grassland.

6 (2) OUTFITTER OR GUIDE.—The term “out-  
7 fitter or guide” means an individual, organization,  
8 or business who provides outfitting or guiding serv-  
9 ices, as defined in section 251.51 of title 36, Code  
10 of Federal Regulations.

11 (3) PARTNER.—The term “partner” means a  
12 non-Federal entity that engages in a partnership.

13 (4) PARTNERSHIP.—The term “partnership”  
14 means arrangements between the Department of Ag-  
15 riculture or the Forest Service and a non-Federal  
16 entity that are voluntary, mutually beneficial, and  
17 entered into for the purpose of mutually agreed  
18 upon objectives.

19 (5) PRIORITY AREA.—The term “priority area”  
20 means a well-defined region on National Forest Sys-  
21 tem land selected by the Secretary under section  
22 5(a).

23 (6) SECRETARY.—The term “Secretary” means  
24 the Secretary of Agriculture.

1           (7) STRATEGY.—The term “strategy” means  
2       the National Forest System Trails Volunteer and  
3       Partnership Strategy authorized by section 4(a).

4           (8) TRAIL MAINTENANCE.—The term “trail  
5       maintenance” means any activity to maintain the  
6       usability and sustainability of trails within the Na-  
7       tional Forest System, including—

8                (A) ensuring trails are passable by the  
9       users for which they are managed;

10               (B) preventing environmental damage re-  
11       sulting from trail deterioration;

12               (C) protecting public safety; and

13               (D) averting future deferred maintenance  
14       costs.

15           (9) VOLUNTEER.—The term “Volunteer” has  
16       the same meaning given that term in section  
17       553.101 of title 29, Code of Federal Regulations.

18 **SEC. 4. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER**  
19 **AND PARTNERSHIP STRATEGY.**

20       (a) IN GENERAL.—Not later than 2 years after the  
21       date of the enactment of this Act, the Secretary shall pub-  
22       lish in the Federal Register a strategy to significantly in-  
23       crease the role of volunteers and partners in trail mainte-  
24       nance.

1 (b) REQUIRED ELEMENTS.—The strategy required  
2 by subsection (a) shall—

3 (1) augment and support the capabilities of  
4 Federal employees to carry out or contribute to trail  
5 maintenance;

6 (2) provide meaningful opportunities for volun-  
7 teers and partners to carry out trail maintenance in  
8 each region of the Forest Service;

9 (3) address the barriers to increased vol-  
10 unteerism and partnerships in trail maintenance  
11 identified by volunteers, partners, and others;

12 (4) prioritize increased volunteerism and part-  
13 nerships in trail maintenance in those regions with  
14 the most severe trail maintenance needs, and where  
15 trail maintenance backlogs are jeopardizing access to  
16 National Forest lands; and

17 (5) aim to increase trail maintenance by volun-  
18 teers and partners by 100 percent by the date that  
19 is 5 years after the date of the enactment of this  
20 Act.

21 (c) ADDITIONAL REQUIREMENT.—As a component of  
22 the strategy, the Secretary shall study opportunities to im-  
23 prove trail maintenance by addressing opportunities to use  
24 fire crews in trail maintenance activities in a manner that  
25 does not jeopardize firefighting capabilities, public safety,

1 or resource protection. Upon a determination that trail  
2 maintenance would be advanced by use of fire crews in  
3 trail maintenance, the Secretary shall incorporate these  
4 proposals into the strategy, subject to such terms and con-  
5 ditions as the Secretary determines to be necessary.

6 (d) VOLUNTEER LIABILITY.—

7 (1) IN GENERAL.—Section 3(d) of Public Law  
8 92–300 (16 U.S.C. 558a (note), 558a-558d; 86  
9 Stat. 147) is amended by adding “, including a vol-  
10 unteer affiliated with a partner organization,” after  
11 “title”.

12 (2) ADDITIONAL REQUIREMENT.—Not later  
13 than 2 years after the date of the enactment of this  
14 Act, the Secretary shall adopt regulations imple-  
15 menting this section. These regulations shall ensure  
16 that the financial risk from claims or liability associ-  
17 ated with volunteers undertaking trail maintenance  
18 is shared by all administrative units.

19 (e) CONSULTATION.—The Secretary shall develop the  
20 strategy in consultation with volunteer and partner trail  
21 maintenance organizations, a broad array of outdoor  
22 recreation stakeholders, and other relevant stakeholders.

23 (f) VOLUNTEER AND PARTNERSHIP COORDINA-  
24 TION.—The Secretary shall require each administrative  
25 unit to develop a volunteer and partner coordination im-

1 plementation plan for the strategy which clearly defines  
2 roles and responsibilities for the administrative unit and  
3 district staff, and includes strategies to ensure sufficient  
4 coordination, assistance, and support for volunteers and  
5 partners to improve trail maintenance.

6 (g) REPORT.—

7 (1) CONTENTS.—The Secretary shall prepare a  
8 report on—

9 (A) the effectiveness of the strategy in ad-  
10 dressing the trail maintenance backlog;

11 (B) the increase in volunteerism and part-  
12 nership efforts on trail maintenance as a result  
13 of the strategy;

14 (C) the miles of National Forest System  
15 trails maintained by volunteers and partners,  
16 and the approximate value of the volunteer and  
17 partnership efforts;

18 (D) the status of the stewardship credits  
19 for outfitters and guides pilot program de-  
20 scribed in section 7 that includes the number of  
21 participating sites, total amount of the credits  
22 offered, estimated value of trail maintenance  
23 performed, and suggestions for revising the pro-  
24 gram; and

1 (E) recommendations for further increas-  
2 ing volunteerism and partnerships in trail main-  
3 tenance.

4 (2) SUBMISSION.—Not later than 3 years after  
5 the date of enactment of this Act, the Secretary  
6 shall submit the report required by paragraph (1)  
7 to—

8 (A) the Committee on Energy and Natural  
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources  
11 of the House of Representatives.

12 **SEC. 5. PRIORITY TRAIL MAINTENANCE PROGRAM.**

13 (a) SELECTION.—In accordance with subsections (b)  
14 and (c), not later than 6 months after the date of the en-  
15 actment of this Act, the Secretary of Agriculture shall se-  
16 lect no fewer than 9 and no more than 15 priority areas  
17 for increased trail maintenance accomplishments.

18 (b) CRITERIA.—Priority areas shall include a well-de-  
19 fined region on National Forest System land where the  
20 lack of trail maintenance has—

21 (1) reduced access to public land;

22 (2) led to an increase, or risk of increase, in  
23 harm to natural resources;

24 (3) jeopardized public safety;

1           (4) resulted in trails being impassible by the in-  
2           tended managed users; or

3           (5) increased future deferred trail maintenance  
4           costs.

5           (c) REQUIREMENTS.—In selecting priority areas, the  
6   Secretary shall—

7           (1) consider any public input on priority areas  
8           received within 3 months of the date of enactment  
9           of this Act; and

10          (2) select at least one priority area in each re-  
11          gion of the United States Forest Service.

12          (d) INCREASED TRAIL MAINTENANCE.—

13           (1) IN GENERAL.—Within 6 months of the se-  
14          lection of priority areas under subsection (a), and in  
15          accordance with paragraph (2), the Secretary shall  
16          develop an approach to substantially increase trail  
17          maintenance accomplishments within each priority  
18          area.

19           (2) CONTENTS.—In developing the approach  
20          under paragraph (1), the Secretary shall—

21           (A) consider any public input on trail  
22          maintenance priorities and needs within any  
23          priority area;

1 (B) consider the costs and benefits of in-  
2 creased trail maintenance within each priority  
3 area; and

4 (C) incorporate partners and volunteers in  
5 the trail maintenance.

6 (3) REQUIRED TRAIL MAINTENANCE.—Utilizing  
7 the approach developed under paragraph (1), the  
8 Secretary shall substantially increase trail mainte-  
9 nance within each priority area.

10 (e) COORDINATION.—The regional volunteer and  
11 partnership coordinators may be responsible for assisting  
12 partner organizations in developing and implementing vol-  
13 unteer and partnership projects to increase trail mainte-  
14 nance within priority areas.

15 (f) REVISION.—The Secretary shall periodically re-  
16 view the priority areas to determine whether revisions are  
17 necessary and may revise the priority areas, including the  
18 selection of new priority areas or removal of existing pri-  
19 ority areas, at his sole discretion.

20 **SEC. 6. COOPERATIVE AGREEMENTS.**

21 (a) IN GENERAL.—The Secretary may enter into a  
22 cooperative agreement (within the meaning of chapter 63  
23 of title 31, United States Code) with any State, tribal,  
24 local governmental, and private entity to carry out this  
25 Act.

1 (b) CONTENTS.—Cooperative agreements authorized  
2 under this section may—

3 (1) improve trail maintenance in a priority  
4 area;

5 (2) implement the strategy; or

6 (3) advance trail maintenance in a manner  
7 deemed appropriate by the Secretary.

8 **SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND**  
9 **GUIDES.**

10 (a) PILOT PROGRAM.—Within 1 year after the date  
11 of enactment of this Act, in accordance with this section,  
12 the Secretary shall establish a pilot program on not less  
13 than 20 administrative units to offset all or part of the  
14 land use fee for an outfitting and guiding permit by the  
15 cost of the work performed by the permit holder to con-  
16 struct, improve, or maintain National Forest System  
17 trails, trailheads, or developed sites that support public  
18 use under terms established by the Secretary.

19 (b) ADDITIONAL REQUIREMENTS.—In establishing  
20 the pilot program authorized by subsection (a), the Sec-  
21 retary shall—

22 (1) select administrative units where the pilot  
23 program will improve trail maintenance; and

24 (2) establish appropriate terms and conditions.



# **2013-2014**

# **Legislative Session Report**



## **MAJOR BILLS**

This section includes all bills that had potential for significant impact on California State Parks. The ultimate outcome (status) of each bill is noted:

- "Chaptered" means the bill was enacted into law, effective January 1, unless the legislation contained an urgency clause or was part of the Budget Act, which becomes effective upon approval by the Governor.

## 2013-2014 Legislative Session

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**AB 34**      **AUTHOR:** Hernández  
                 **TITLE:**      State historical resources

**SUMMARY:** This bill requires Nuestra Señora Reina de La Paz, the farm where Cesar Chavez once lived and is buried, to be registered as a State Historical Landmark. Additionally, this bill requires the Office of Historic Preservation (Office) to educate the public on the nomination process for the California Register, with emphasis on the labor and civil rights movements as well as the California's modern history. Finally, the bill requires the Office to identify publically owned resources associated with the labor or civil rights movements or California's modern history, by January 1, 2015.

**STATUS: Chapter 641, Statutes of 2013**

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**AB 52**      **AUTHOR:** Gatto  
                 **TITLE:**      Native Americans: California Environmental Quality Act

**SUMMARY:** This bill establishes "tribal cultural resource" as a new category of resource to be considered when evaluating a project under the California Environmental Quality Act (CEQA). Additionally, this bill establishes a process for notifying and consulting with a California Native American tribe about a proposed project. The bill requires the Office of Planning and Research to work with Native American tribes to develop guidelines for this new process by July 1, 2016. Additionally, a lead agency is required to consult with an affected tribe(s) to determine whether a project may adversely affect a tribal cultural resource. "Tribal cultural resources" and "California Native American tribe" are defined for the purposes of this bill.

**STATUS: Chapter 532, Statutes of 2014**

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**AB 71**      **AUTHOR:** Pérez  
                 **TITLE:**      Salton Sea restoration

**SUMMARY:** This bill requires the Secretary of the Natural Resources Agency to convene a technical advisory group, in consultation and coordination with the Salton Sea Authority, to evaluate, develop and propose future restoration of the Salton Sea.

**STATUS: Chapter 402, Statutes of 2013**

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**AB 150**      **AUTHOR:** Olsen  
                 **TITLE:**      State parks: armed services: fee waiver

**SUMMARY:** This bill authorizes the Department to offer a reduced rate or free entrance, on Memorial Day and Veterans Day, to any state-operated unit of the State Park System, for any veteran, active duty military personnel, National Guard Member or reservist, if military identification or proof of discharge is provided.

**STATUS: Chapter 688, Statutes of 2013**

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**AB 315**                      **AUTHOR:**    **Committee on Veterans Affairs**  
**TITLE:**                      **State parks: veteran of war: Purple Heart recipient**

**SUMMARY:** This bill would have expanded eligibility criteria for the Department's Distinguished Veteran Pass to include Purple Heart recipients.

**STATUS: Failed deadline**

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**AB 380**                      **AUTHOR:**    Dickinson  
**TITLE:**                      California Environmental Quality Act: notice requirements

**SUMMARY:** This bill would have required the Department of General Services to transfer specified surplus property, as identified at the Sonoma Developmental Center, to the Department of Parks and Recreation for inclusion at Jack London State Park. This bill would have authorized the Department to transfer any portion of the property to the County of Sonoma for the expansion of Sonoma Valley Regional Park.

**STATUS: Failed deadline**

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**AB 594**                      **AUTHOR:**    Water, Parks and Wildlife Committee  
**TITLE:**                      State parks: operating agreements: park closures

**SUMMARY:** This bill provides technical and clarifying language regarding the Department's revenue generation program and adds an annual Legislative reporting requirement for that program. Additionally, this bill provides clarifying language regarding the two-year moratorium on closing State Parks and the Department's authority to enter into operating agreements with non-profit entities. Finally, this bill revised legislatively specified criteria to be used by the Department in order to close units of the State Park System in the event budget reductions necessitate closures. (Urgency clause)

**STATUS: Chapter 407, Statutes of 2013**

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**AB 757**                      **AUTHOR:**    Hernández  
**TITLE:**                      Department of Parks and Recreation: payroll review report

**SUMMARY:** This bill requires the Department to report to the Legislature on the implementation of the Controller's Office recommendations contained in its December 2012, Payroll Review Report. This report is due to the Legislature by July 31, 2014 and this section will automatically sunset on December 31, 2014.

**STATUS: Chapter 297, Statutes of 2013**

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**AB 763**                      **AUTHOR:**    Buchanan  
**TITLE:**                      Aquatic invasive plants: control and eradication

**SUMMARY:** This bill designates the Division of Boating and Waterways (Division) as the lead agency for identifying, detecting, controlling and administering programs to manage invasive aquatic plants in the Delta, its tributaries and the Suisun Marsh. This bill requires the Division to regularly consult with federal agencies, the University of California and other agencies in prioritizing aquatic plants for management and/or control. Additionally, this bill requires the Department of Fish and Wildlife, in consultation with other state and federal agencies, to conduct a risk assessment of plants identified by the Division, to determine

whether that plant is an invasive aquatic plant and then report its findings to the Division for action, as necessary, to control or, when feasible, eradicate the plant. Additionally, this bill defines invasive aquatic plant.

**STATUS: Chapter 330, Statutes of 2013**

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<b>AB 865</b>	<b>AUTHOR:</b>	Eggman
	<b>TITLE:</b>	Yacht and Ship Brokers Act: licensing

**SUMMARY:** This bill requires the Division of Boating and Waterways to annually publish a directory of licensed brokers and salespersons on its internet website. Additionally, the Division is authorized to issue a periodical bulletin regarding issues pertaining to the administration of this article. This bill requires the Division to adopt rules and regulations including establishing a fee structure to be collected from brokers and salespersons sufficient to cover the costs associated with: exams, licensing, renewals, criminal records investigations and other services provided by the Division to administer this program. Until a new fee structure is established, the existing fee structure will be utilized.

**STATUS: Chapter 425, Statutes of 2013**

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<b>AB 1142</b>	<b>AUTHOR:</b>	Bloom
	<b>TITLE:</b>	State beaches and parks: smoking ban

**SUMMARY:** This bill would have prohibited a person from smoking a cigar, cigarette, or other tobacco-related product at any unit within the State Park System or on any state coastal beach. Any person convicted of smoking any of the above mentioned tobacco products within these areas would be subject to a fine of \$250.

**STATUS: Failed deadline**

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<b>AB 1302</b>	<b>AUTHOR:</b>	Hagman
	<b>TITLE:</b>	Environmental quality: the Sustainable Environmental Protection Act

**SUMMARY:** This bill would have established the Sustainable Environmental Protection Act (Act) and would prohibit judicial action and legal challenges against a lead agency regarding noncompliance with CEQA when the lead agency is in compliance with disclosure requirements. The Act would also have amended the existing mitigation monitoring and reporting plan, to additionally require an annual report of project compliance with required mitigation measures.

**STATUS: Failed deadline**

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<b>AB 1317</b>	<b>AUTHOR:</b>	Frazier
	<b>TITLE:</b>	State government operations

**SUMMARY:** This bill provides technical changes, consistent with the Governor's Reorganization Plan No. 2, which transferred the Department of Boating and Waterways to a Division within California State Parks. (Urgency clause)

*This summary only addresses portions of the bill impacting the Department.*

**STATUS: Chapter 352, Statutes of 2013**

**AB 1835**                      **AUTHOR:** Olsen  
                                    **TITLE:**        Recreational off-highway vehicles: helmets: exemption

**SUMMARY:** This bill revises the helmet requirement for Recreational Off-highway Vehicles, limiting the requirement to “public lands”.

**STATUS: Chapter 355, Statutes of 2014**

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**AB 1999**                      **AUTHOR:** Atkins  
                                    **TITLE:**        Personal income and corporation taxes: credits: rehabilitation

**SUMMARY:** This bill would have created a temporary income tax credit for qualified rehabilitation costs of certified historic structures. This program would have been effective between tax years 2015 and 2022.

**STATUS: Vetoed**

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**AB 2081**                      **AUTHOR:** Daly  
                                    **TITLE:**        Agricultural historical resources

**SUMMARY:** This bill would have clarified the definition of “places”, with regard to historical landmarks, to include vineyards, orchards and groves. This bill would also have allowed standard agricultural practices to continue on active, producing crops.

**STATUS: Vetoed**

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**AB 2150**                      **AUTHOR:** Rendon  
                                    **TITLE:**        Department of Parks and Recreation

**SUMMARY:** This bill would have required the Department to develop a priority list of deferred maintenance projects, which meet specified criteria and would have extended the moratorium on closing a State Park through the 2014/15 fiscal year. Additionally, this bill would have renamed the Department’s External Affairs Division and established new goals and objectives for the new Division of Community Initiatives and Park Access. This Division would have been required to develop strategic partnerships and promote and enhance access to, and relevancy of, State Parks within underserved areas of the state. To achieve these goals, the Division would have been required to develop a strategic action plan and identify one or more pilot projects, in underserved regions of the state, to test and evaluate best management practices and strategies to enhance park access and address the park and recreation and open-space needs of residents living in underserved areas, as defined.

**STATUS: Vetoed**

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**AB 2675**                      **AUTHOR:** Lowenthal  
                                    **TITLE:**        State agency: public contracts

**SUMMARY:** This bill increases the threshold for recycled purchases under the State Agency Buy Recycled Campaign from 50 percent to 75 percent, excluding paint, antifreeze and tires, by January 1, 2020. Additionally, this bill establishes a threshold for paint, antifreeze and tire purchases of 50 percent by January 1, 2020.

**STATUS: Chapter 617, Statutes of 2014**

<b>AB 2720</b>	<b>AUTHOR:</b> Ting
	<b>TITLE:</b> State agencies: meetings: record of action taken

**SUMMARY:** This bill requires all state boards and commissions to publicly report the vote of each member on actions taken during meetings.

**STATUS: Chapter 510, Statutes of 2014**

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<b>AB 2723</b>	<b>AUTHOR:</b> Medina
	<b>TITLE:</b> Administrative procedure: small businesses

**SUMMARY:** This bill would have made clarifying changes to the Administrative Procedure Act to include "sole proprietorships" and "small business", in the required standardized regulatory impact analysis when a state agency proposes to adopt, amend, or repeal a major regulation. Additionally, this bill would have required state agencies to consider the impact to different sizes of businesses by a proposed regulatory change.

**STATUS: Vetoed**

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<b>SB 96</b>	<b>AUTHOR:</b> Committee on Budget and Fiscal Review
	<b>TITLE:</b> Budget Act of 2013: public resources

**SUMMARY:** This bill provides necessary cleanup language for the Department to implement programs identified in the 2013/14 Budget Act. This bill repeals a section of Fish and Game Code no longer applicable to the Department. Additionally, this bill extends the sunset on Departmental authority to manage capital outlay projects. This bill provides the Department authority to allow Los Angeles County to extend a concession agreement for Will Rogers State Beach. Finally, this bill effectuates the transfer of surplus property (contiguous to San Diego SHP) from the Department of Transportation to the Department.

*This summary only addresses portions of the bill impacting the Department.*

**STATUS: Chapter 356, Statutes of 2013**

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<b>SB 99</b>	<b>AUTHOR:</b> Committee on Budget and Fiscal Review
	<b>TITLE:</b> Active Transportation Program

**SUMMARY:** This bill creates the Active Transportation Program within CalTrans. This bill establishes a process for distributing state and federal funding for projects and requires the California Transportation Commission to develop guidelines and project selection criteria in collaboration with the Active Transportation Program Workgroup. The result of a collaborative effort between state agencies, stakeholders and the Legislature, this bill results in a 40% reduction to the Department's Recreational Trails Program, however, the Department will continue to administer the competitive grant program to support non-motorized and motorized trail projects. The remaining 40% of federal funding for trails will be transferred to CalTrans to support the Active Transportation Program.

*This summary only addresses portions of the bill impacting the Department.*

**STATUS: Chapter 359, Statutes of 2013**

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**SB 122**                      **AUTHOR:**    Lieu  
                                 **TITLE:**        Vessels: abandonment: abatement

**SUMMARY:** This bill establishes the pilot Vessel Turn-in Program as a permanent program. This program provides grant funding to local agencies for costs associated with abatement, removal, storage, and disposal of vessels voluntarily surrendered by owners, if that vessel is in danger of being abandoned. The Abandoned Watercraft Abatement Fund is supported by fines levied on individuals for abandoning vessels. Additionally, this bill increases the minimum fine from \$500 to \$1,000. This successful program is an effort to address the costly problem of abandoned vessels which cause environmental degradation and/or navigational hazards.

**STATUS: Chapter 204, Statutes of 2013**

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**SB 170**                      **AUTHOR:**    Wolk  
                                 **TITLE:**        Bale Grist Mill State Historic Park

**SUMMARY:** This bill would have provided an exemption, beginning January 1, 2016, for water-driven grist mills listed on the National Register of Historic Places, for both registration as a food processing facility and retail food facility. Additionally, this bill stipulated that these exemptions are only permitted if the flour produced at the mill meets specified requirements, including compliance with the federal adulteration purity standards.

**STATUS: Vetoed**

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**SB 234**                      **AUTHOR:**    Walters  
                                 **TITLE:**        Recreational off-highway vehicles

**SUMMARY:** This bill defines occupant handhold requirements for Recreational Off-highway Vehicles and allows aftermarket passenger seats in vehicles made in 2013 or earlier, as defined. This bill addresses some unintended obstacles created by legislation for these vehicles last year. (Urgency clause)

**STATUS: Chapter 179, Statutes of 2013**

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**SB 427**                      **AUTHOR:**    Monning  
                                 **TITLE:**        Vessels: equipment requirements: personal flotation devices

**SUMMARY:** This bill modifies the definition of "vessel" to ensure boating safety laws and regulations are applicable to all types of water recreation equipment. Additionally, this bill amended life jacket requirements for individuals on a vessel. Instead of various types of life jackets, language in this bill conforms to Coast Guard-approved flotation devices used in accordance with manufacturers approved labels and requirements. These modifications were necessary to ensure consistency with federal Coast Guard funding requirements of the Recreational Boating Safety Fund.

**STATUS: Chapter 256, Statutes of 2013**

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**SB 457**                      **AUTHOR:** Monning  
                                 **TITLE:** Vessels: collisions and accidents

**SUMMARY:** This bill amends boating accident reporting requirements for law enforcement, in an effort to improve the quality and accuracy of data collection provided to DBW. Failure to comply with reporting requirements can result in ineligibility for DBW grant funds for up to 5-years. Additionally, this bill requires DBW to notify agencies out of compliance prior to restricting their eligibility for grant funds.

**STATUS: Chapter 165, Statutes of 2013**

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**SB 599**                      **AUTHOR:** Evans  
                                 **TITLE:** State Parks

**SUMMARY:** This bill would have required the State Park and Recreation Commission to meet quarterly and require the Commission's annual report to the Governor to include its budgetary requests. This bill would have expanded the Commission's authority, including an evaluation and assessment of the Department's proposed capital outlay and infrastructure expenditures. Additionally, this bill would have allowed the Commission to conduct public hearings regarding all matters under the jurisdiction of the Department, including revenue generation projects, public-private partnerships and concession agreements. Moreover, the Department must notify the Commission six months in advance of any proposed park closure, after the 2014/15 fiscal year, giving the Commission an opportunity to provide input and suggest alternatives.

**STATUS: Failed deadline**

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**SB 633**                      **AUTHOR:** Pavley  
                                 **TITLE:** State parks

**SUMMARY:** This bill would have required the Department of Parks and Recreation to establish "projects of the year", which would include a public process wherein the public would choose a project(s) which would be funded exclusively from the State Parks Protection Fund. Additionally, this bill would have required the State Park and Recreation Commission's budget to be reflected separately from the Department's budget. This bill would have required the Department to identify and report its energy costs to the Legislature by July 1, 2015. This bill would have required the Department to report to the Legislature, by July 1, 2016, on its efforts to increase the use of outside vendors to sell State Park passes and would have required the Department to develop two additional regional park passes by December 31, 2015. This bill would have required the Department to establish a pilot project for mobile food and beverage services and then report to the Legislature on the results of the pilot by January 1, 2018.

**STATUS: Vetoed**

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<b>SB 1337</b>	<b>AUTHOR:</b> DeSaulnier
	<b>TITLE:</b> Reports

**SUMMARY:** This bill would have required state agencies, when submitting reports to the Legislature, to include a signed statement by the head of that agency, declaring the contents of the report to be factual, true and accurate. This bill would have also established a civil penalty of up to \$20,000 for knowingly providing false information.

**STATUS: Vetoed**

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<b>SB 1390</b>	<b>AUTHOR:</b> Correa
	<b>TITLE:</b> Santa Ana River Conservancy Program

**SUMMARY:** This bill establishes the Santa Ana River Conservancy Program (Program), within the State Coastal Conservancy. The Program is responsible for, among other things, providing recreational opportunities and enhancing the overall condition of the river.

**STATUS: Chapter 562, Statutes of 2014**

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<b>SB 1424</b>	<b>AUTHOR:</b> Wolk
	<b>TITLE:</b> State property: tidelands transfer: City of Martinez

**SUMMARY:** This bill modifies the land grant to the City of Martinez (City) for the Martinez Marina and surrounding properties. This bill also provides the State Lands Commission with a level of oversight that could motivate the City to repay its loans to the Department.

**STATUS: Chapter 628, Statutes of 2014**

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